

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

| | | |
|--------------------------|---|----------------------------|
| UNITED STATES OF AMERICA |) | CR. NO. <u>9:21-cr-675</u> |
| |) | |
| vs. |) | 18 U.S.C. §2252A(a)(5)(B) |
| |) | 18 U.S.C. §2252A(b)(2) |
| |) | 18 U.S.C. §2253 |
| |) | 28 U.S.C. §2461(c) |
| |) | |
| KELLY SMITH |) | <u>INDICTMENT</u> |

COUNT ONE

(Possession of Child Pornography involving a Prepubescent Minor)

THE GRAND JURY CHARGES:

That on or about January 25, 2021, in the District of South Carolina, the defendant, **KELLY SMITH**, knowingly did possess materials that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor, that had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer;

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE

Upon conviction for violation of Title 18, United States Code, Section 2252A, as charged in this Indictment, the Defendant, **KELLY SMITH**, shall forfeit to the United States his interest in:

- i. any visual depiction described in section 2251, 2251A, 2252 or 2252A of chapter 110 of the United States Code, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of chapter 110 of the United States Code;
- ii. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses and;
- iii. any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses.

PROPERTY:

The property subject to forfeiture pursuant to Title 18, United States Code, Section 2253 and Title 28, United States Code, Section 2461(c), includes, but is not limited to, the following:

A. Forfeiture Judgment:

A sum of money equal to all proceeds the Defendant obtained, directly or indirectly, from the offense charged in this Indictment, and all interest and proceeds traceable thereto, and/or such sum that equals all property derived from or traceable to his violation of Title 18.

B. Electronic Equipment:

1. HP laptop
Serial Number: 2TK713013T
2. Toshiba external hard drive
Serial Number: Y1Q3TM3HTQQ6

3. iPod
Serial Number: 1B842C60201
4. AT&T Beam internet PUK
5. (2) SanDisk thumb drives
6. DANE ELEC thumb drive USB adaptor
7. (2) DANE ELEC memory cards
8. AVB thumbdrive
9. Netgear thumb drive
Serial number: 272241BSO2F3A
10. Stealth Cam memory card
11. Western Digital hard drive
Serial number: WCAMR3497181
12. Western Digital hard drive
Serial number: WXJ1AA0P7998
13. Acomdata hard drive
Serial number: C1254176
14. Linksys, wireless, notebook adaptor
Serial number: BDH30D616167
15. (17) optical discs
16. Toshiba laptop
Serial number 93112847P
17. HP laptop
Serial number CND5290MQZ

SUBSTITUTE ASSETS:

If any of the property described above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by 18 U.S.C. § 982(b)(1) to seek forfeiture of any other property of Defendant up to an amount equivalent to the value of the above-described forfeitable property;

All pursuant to Title 18, United States Code, Section 2253 and Title 28, United States Code, Section 2461(c).

A True BILL

[REDACTED]

FOREPERSON

M. Rhett Dehart
M. RHETT DEHART (dhs)
ACTING UNITED STATES ATTORNEY